## SOUTH DAKOTA BOARD OF NURSING

IN THE MATTER OF THE LICENSURE **PROCEEDINGS** 

RE:

LYNNETTE ANDRU

AGREED UPON DISPOSITION FOR MANDATED PARTICIPATION IN HPAP

SD LPN Applicant Z221435.

WHEREAS, Lynnette Andru ("Applicant"), is seeking LPN licensure in the State of South Dakota; and

WHEREAS, the South Dakota Board of Nursing ("Board") has been advised that the Applicant, on or about March 2014, was denied a license due to past criminal history including felony convictions for theft and a misdemeanor charge for fraud; and

WHEREAS, in 2014, Applicant underwent a psychological evaluation. On or about September 15, 2017, Applicant voluntarily contacted the South Dakota Health Professionals Assistance Program ("HPAP"), completed the application process, and signed a Participation Agreement with HPAP on November 13, 2017; and

WHEREAS, on December 18, 2017, the HPAP Evaluation Committee advised the Board that they support the Applicant's request for Licensure; and

WHEREAS, based on the information provided to the Board, the Board has determined that the Applicant's conduct is in violation of SDCL § 36-9-49 (2); and

WHEREAS, the South Dakota Board has a statutory obligation to protect the public health, safety and welfare set forth in SDCL §36-9-1.1, including the protection of the public from unsafe nursing practices and practitioners; and

WHEREAS, it is the intent of this agreement to provide for a resolution of the licensing issues presented by the Applicant's conduct, in a professional manner, without the necessity of further proceedings herein, and for a responsible resolution; and

WHEREAS, the Applicant hereby agrees that as a condition of licensure in South Dakota, she is to be mandated into HPAP with terms and conditions to be determined by HPAP; and

WHEREAS, per the Nurse Licensure Compact Regulations, the Applicant understands that one mandated into such a program as HPAP will be granted a single-state license only; and

WHEREAS, the Applicant understands that participation in HPAP is mandatory in order to maintain an active, unencumbered, single-state license in South Dakota. To meet the terms of this agreement, Applicant has initiated the HPAP application process, has signed a Participation Agreement with HPAP, and the HPAP Evaluation Committee supports Applicant's request for licensure; and

WHEREAS, Applicant agrees and understands that any failure to comply with any aspect of the HPAP program and its contract will be reported to the Board for disciplinary action as deemed appropriate by the Board.

NOW, THEREFORE, it is hereby stipulated and agreed as follows:

- 1. That the Board has jurisdiction over the person of the Applicant and the subject matter of this Order.
  - 2. The Board asserts and the Applicant admits to the facts stated herein.

- 3. The Applicant recognizes that this matter is of a nature that would constitute grounds for discipline of her license to practice as a practical nurse in the State of South Dakota under SDCL § 36-9-49 (2).
- 4. That the Applicant understands that she has a right to a contested case hearing pursuant to SDCL Ch. 1-26 regarding this matter and that such rights under SDCL Ch. 1-26 include, but are not limited to, the right to be present at the contested case hearing, the right to be represented by legal counsel, to introduce evidence and testimony on her behalf, to call witnesses, to cross examine witnesses, and to inspect all documentary evidence submitted to the Board and to appeal the Board's decision to the circuit court and state Supreme Court as provided by law.
- 5. By entering into this agreed-upon disposition with the Board, the Applicant hereby knowingly and voluntarily waives the above rights.
- 6. The Applicant has been given the opportunity to discuss this agreed-upon disposition with an attorney of Applicant's choice and is aware of her rights as outlined above. Applicant hereby voluntarily waives all such rights to a hearing, notice, appearance, or other rights. Applicant is entering into this agreed-upon disposition voluntarily and without duress or compulsion.
- 7. If the Applicant violates any provision of her HPAP Participation Agreement, the Applicant understands that the Board will be notified and the Applicant will be subject to discipline and reporting as determined by the Board as applicable.

NOW, THEREFORE, the foregoing Agreed Upon Disposition for Mandated

Participation in HPAP is respectfully submitted to the Board with the request that the Board

adopt its terms as an Order of the Board in the above matter.

Dated this Dday of FCDnOcyc 2018.

The South Dakota Board of Nursing met on the 8<sup>th</sup> day of February, 2018, and moved to grant Applicant an LPN license in the State of South Dakota on the condition she be mandated

into HPAP with all terms and conditions to be set by HPAP by a vote of 8-0 and now issues its

Order as follows:

IT IS HEREBY ORDERED that the above Agreed Upon Disposition for Mandated Participation in HPAP is adopted as a condition of licensure as shown herein by the South Dakota Board of Nursing this  $\frac{\partial \mathcal{E}}{\partial \theta}$  day of  $\frac{\partial \mathcal{E}}{\partial \theta}$  Lebruary, 2018.

SOUTH DAKOTA BOARD OF NURSING

Gloria Damgaard, RN, MS

**Executive Director**